

Judge Franklin D. Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	NO. CR06-5717FDB
)	
vs.)	STIPULATED ORDER
)	CONTINUING DUE DATE
HENRY JAMES HOLST,)	FOR PRE-TRIAL MOTIONS
)	CUTOFF, PRETRIAL
Defendant.)	CONFERENCE & TRIAL DATE
_____)	

Before this court is a joint motion for a continuance of the due date of the pretrial motions which are presently scheduled for January 2, 2007; the pretrial conference scheduled for January 26, 2007 and the trial, which is set for February 12, 2007.

A continuance is requested as counsel for the defendant has just received discovery and needs additional time to determine what pretrial motions should be filed and to prepare for trial.

Assistant United States Attorney, David R. Jennings, has no objection to a continuance and joins in the motion.

Additionally, defendant Holst is not in custody.

Further, the defendant is aware of this motion, has no objection to a continuance, and joins in this motion. Mr. Holst shall file a waiver of speedy trial.

STIPULATED ORDER CONTINUING DUE
DATE FOR PRE-TRIAL MOTIONS AND
TRIAL DATE - 1

LAW OFFICES OF
MONTE E. HESTER, INC., P.S.
1008 SOUTH YAKIMA AVENUE, SUITE 302
TACOMA, WASHINGTON 98405
(253) 272-2157

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2 That the court finds, after a consideration of all relevant information
3 (including the affidavit filed by Brett A. Purtzer in support of the motion for a
4 continuance) and the circumstances of this case, that without this continuance the
5 defendant will be prejudiced and the ability to properly prepare for trial would be
6 impaired. Failure to grant a continuance under these circumstances would result in a
7 miscarriage of justice. The ends of justice would best be served by the granting of the
8 motion for continuance to ensure continuity of counsel and adequate trial preparation.
9 The ends of justice outweigh the best interests of the public and the defendant in having
10 the matter brought to trial sooner.

11 For these reasons, the court finds the defendant's motion for continuance
12 should be granted.

13 The motion cut-off date scheduled for January 2, 2007 is VACATED.
14 Motion cut-off shall be RESCHEDULED TO February 13, 2007.

15 The trial brief, proposed jury instructions, witness list, any written
16 stipulations, proposed verdict forms and motions in limine shall be submitted by April
17 26, 2007.

18 The pretrial conference date scheduled for January 26, 2007 is
19 VACATED. Pretrial conference shall be SCHEDULED FOR May 4, 2007, at 1:30 p.m.
20 in Tacoma, Washington.

21 The trial date scheduled for February 12, 2007 is VACATED. Trial shall
22 be RESCHEDULED TO May 14, 2007 at 9:00 a.m. in Tacoma, Washington.

23
STIPULATED ORDER CONTINUING DUE
DATE FOR PRE-TRIAL MOTIONS AND
TRIAL DATE - 2

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2 The period of delay resulting from this continuance from the current trial
3 date of February 12, 2007, up to and including the new trial date of May 14, 2007, is
4 hereby excluded for speedy trial purposes under 18 U.S.C. 3161(h)(8)(A) and (B) for
5 purposes of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. §
6 3161-3174.

7 IT IS SO ORDERED.

8 DONE this 8th day of January, 2007.

9
10 

11 FRANKLIN D. BURGESS

12 UNITED STATES DISTRICT JUDGE

13 Presented by:

14 LAW OFFICES OF MONTE E.

15 HESTER, INC., P.S.

16 Attorneys for Henry James Holst

17 By: _____

18 Brett A. Purtzer

19 Approved by:

20 UNITED STATES ATTORNEY'S OFFICE

21 By: _____

22 David Jennings

23 Assistant United States Attorney

STIPULATED ORDER CONTINUING DUE
DATE FOR PRE-TRIAL MOTIONS AND
TRIAL DATE - 3

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